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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 U.S. SMALL BUSINESS
17 ADMINISTRATION, as Receiver for
18 PROSPERO VENTURES, L.P.,
19
20 Plaintiff,

21 v.

22 DONALD K. EMERY,
23
24 Defendant.

CASE NO. 07-03741 VRW

Related Cases:
C07-03732-VRW; C07-03739-VRW;
C07-03737-VRW; C07-03738-VRW;
C07-03736-VRW

UNOPPOSED MOTION FOR EXTENSION
THROUGH APRIL 22, 2008 TO FILE
DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION TO STRIKE
AFFIRMATIVE DEFENSES

25 NOW COMES Damien Powell, Counsel for Defendant in the above-referenced matter
26 and respectfully requests that the current deadline of April 17, 2008 for Defendant's Opposition
27 to the Plaintiff's Motion to Strike Affirmative Defenses be extended through and including April
28 22, 2008. In support of this request for a five-day extension, Counsel for the Defendant states as
follows:

1 1. The hearing date for the Plaintiff's Motion is scheduled for May 8, 2008 at 2:30
2 p.m. The Plaintiff filed its Motion to Strike on April 3, 2008. Counsel for the Defendant was
3 out of the office on paternity leave from April 5, 2008 until April 14, 2008.
4

5 2. Plaintiff's Motion to Strike involves complex issues of law which require a
6 significant amount of research and analysis. Based on the complexity of the issues in this case, a
7 brief period of additional time is needed to prepare the Defendant's Opposition.
8

9 3. So that there is no prejudice to the Plaintiff, Counsel for the Defendant is also
10 requesting that the current deadline of April 24, 2008 for Plaintiff's reply to Defendant's
11 Opposition be extended through and including April 29, 2008, seven days after the proposed
12 deadline for Defendant's Opposition.
13

14 4. Plaintiff's counsel has informed Defendant's counsel that Plaintiff will not oppose
15 this Motion for Extension as long as Plaintiff is afforded seven days to respond to Defendant's
16 Opposition.
17

18 For the foregoing reasons, the Counsel for the Defendant respectfully requests that Court
19 grant Defendant's Motion for An Extension. Counsel for the Defendant has attached a Proposed
20 Order as Exhibit A.
21

22 Dated: April 16, 2008

DONOGHUE, BARRETT & SINGAL, P.C.

23 By: /s/ Damien Powell
24 Damien Powell
25 Attorney for Defendant
26 *Appearance Pro Hac Vice*

27 O'CONNOR & ASSOCIATES
28 John O'Connor
 Attorney for Defendant,

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS
ADMINISTRATION, as Receiver for
PROSPERO VENTURES, L.P,

Plaintiff,

v.

DONALD K. EMERY,

Defendant.

CASE NO. 07-03741 VRW

[PROPOSED] ORDER GRANTING
DEFENDANT'S MOTION FOR
EXTENSION THROUGH APRIL 22, 2008
TO FILE DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION TO STRIKE
AFFIRMATIVE DEFENSES

This Court, having read and considered the moving papers in this matter, makes the following finding:

1. Defendant's Motion for an Extension Through April 22, 2008 to File An Opposition to Plaintiff's Motion to Strike Affirmative Defenses is Granted.
2. The deadline for Defendant's Opposition to Plaintiff's Motion to Strike shall be extended until April 22, 2008.
3. The deadline for Plaintiff's Reply to Defendant's Opposition shall be extended to April 29, 2008.

Chief Judge Vaughn R Walker
United States District Court
Northern District of California

Dated: _____

PROOF OF SERVICE

I, Damien C. Powell, admitted *pro hac vice* in the United States District Court, Northern District of California, declare:

I am a citizen of the United States of America and a resident of the Commonwealth of Massachusetts. I am over the age of eighteen (18) years. My business address is Donoghue, Barrett & Singal, P.C., 1 Beacon Street, Boston MA 02108. The business address of John O'Connor, Esq., the local counsel to the defendant, is One Embarcadero Center, Suite 1020, San Francisco, California 94111.

On April 16, 2008, I served the foregoing document(s) described as **DECLARATION OF DAMIEN POWELL, COUNSEL FOR DEFENDANT, AND MOTION FOR EXTENSION THROUGH APRIL 22, 2008 TO FILE DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE AFFIRMATIVE DEFENSES AND [PROPOSED] ORDER THEREON** on the interested parties, at the addresses as stated below.

Via First Class Mail:

Arlene P. Messinger
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409 3rd Street, SW, 7th Floor
Washington, DC 20416
202-205-6857

Via Electronic Mail:

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Via Federal Express Overnight:

Hon. Vaughn R. Walker
U.S. District Court, Northern District
450 Golden Gate Avenue
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed on
April 16, 2008, in Boston, Massachusetts.

Damien C. Powell